

FEDERAL SCIENTIST WHISTLEBLOWING

OVERVIEW

The federal government employs scientists across executive branch agencies. Given the importance of scientific integrity, Congress unanimously amended the Whistleblower Protection Act in 2012 to cover disclosures around censorship related to research, analysis, or technical information. Individual agencies may also have scientific integrity policies that overlap with whistleblowing protections. Moreover, select environmental statutes extend whistleblower protections to federal employees.

Note: This guide focuses on executive branch employees. For information on federal contractors and grantees, [see this fact sheet](#).

WHISTLEBLOWER PROTECTION ACT

The Whistleblower Protection Act (WPA) prohibits retaliation against protected individuals (most executive branch applicants, employees, and former employees) when they make a disclosure with a reasonable belief that they are reporting:

- ❖ A violation of law, rule, or regulation
- ❖ An abuse of authority
- ❖ Gross mismanagement
- ❖ Substantial and specific danger to public health and safety
- ❖ Gross waste of funds

Disclosures can be made **internally**—to someone within the whistleblower’s agency such as a co-worker or an inspector general—or **externally** to audiences like Congress or the Office of Special Counsel. Public disclosures, such as those made to the press, are also protected with some limited exceptions such as if the information is barred from public release by a statute or executive order.

Note: See the Office’s [fact sheet on the Whistleblower Protection Act](#) for a comprehensive overview of these protections.

DISCLOSURES RELATED TO CENSORSHIP

In 2012, Congress amended the Whistleblower Protection Act (WPA) to extend protections to covered individuals who disclose evidence of **censorship related to research, analysis, or technical information** if that censorship would constitute or cause any of the above categories of misconduct – such as a violation of law, rule, or regulation. ([Pub. L. 112-199](#), Title I, § 110(b)).

Censorship is defined as “...**any effort to distort, misrepresent, or suppress research, analysis, or technical information.**” ([Pub. L. 112-199](#), Title I, § 110(a)(3)).

For example, if a scientist’s research is intentionally misrepresented by agency leaders to speed up approval of an unreliable medical device, related whistleblowing by the scientist would likely be covered under the WPA if the scientist had a reasonable belief that the misrepresentation of their research would cause a substantial and specific danger to public health and safety.

WHISTLEBLOWING VERSUS POLICY DISAGREEMENT OR DIFFERING OPINIONS

Note that whistleblowing is generally distinct from differing opinions about agency policy decisions.

Employees may disagree with an agency policy choice but expressing that disagreement may not rise to the level of a protected disclosure. While such concerns may be legitimate and pressing, they are not protected under the WPA unless the employee reasonably believes the policy is, or would cause, a protected category of misconduct as outlined above. ([5 U.S.C. § 2302\(a\)\(2\)\(D\)](#)).

ENVIRONMENTAL WHISTLEBLOWING LAWS

While the Whistleblower Protection Act (WPA) is the primary executive branch whistleblowing statute, there are environmental laws that protect executive branch as well as private sector whistleblowing and may be particularly relevant to federal scientists. These laws vary widely in scope and strength, and they are administered through the Department of Labor (DOL) [Whistleblower Protection Program](#).

CLEAN AIR ACT

Protects reporting of “potential violations relating to clean-up of uncontrolled or abandoned hazardous waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment...” [42 U.S.C. § 7622](#)

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA)

Prohibits “retaliation for reporting potential violations relating to clean-up of uncontrolled or abandoned hazardous waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment...” [42 U.S.C. § 9610](#)

SAFE DRINKING WATER ACT

Prohibits “retaliation for reporting potential violations relating to all waters actually and potentially designed for drinking use, whether from above ground or underground sources...” [42 U.S.C. § 300j-9\(i\)](#)

SOLID WASTE DISPOSAL ACT

Prohibits “retaliation for reporting potential violations relating to the disposal of solid and hazardous waste at active and future facilities...” [42 U.S.C. § 6971](#)

AGENCY SCIENTIFIC INTEGRITY POLICIES

[According to the Congressional Research Service \(CRS\)](#) at least 20 federal agencies have scientific integrity policies—unique, agency-specific policies or programs that prohibit, and may provide a means for employees to speak out against, censorship or misrepresentation of science within the agency.

Disclosures regarding the violation of these policies may overlap with protected statutory whistleblowing, but not necessarily. The underlying misconduct that is the subject of the disclosure must still rise to the level of severity required by statute.

For example, an internal disclosure that a scientific integrity policy was violated would likely be a protected disclosure under the WPA if the whistleblower reasonably believed that the violation would result in a violation of a regulation.

ADDITIONAL RESOURCES

[2020 CRS Report: Primer on federal Scientific Integrity Policies](#)

[2019 GAO report: Scientific Integrity Policies: Additional Actions Could Strengthen Integrity of Federal Research](#)

[Whistleblower Statutes Summary – Occupational Safety and Health Administration](#)

[Make a Note to the Record](#) – Union of Concerned Scientists

[Speaking Up for Science: A Guide to Whistleblowing for Federal Employees](#) – Government Accountability Project